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PREVENTION OF TRAFFIC IN PERSONS AND THE EXPLOITATION OF THE PROSTITUTION OF OTHERS

REVIEW OF DEVELOPMENTS IN OTHER FIELDS OF CONTEMPORARY FORMS OF SLAVERY

Information received from non-governmental organizations

Note by the Secretary-General

The attached document contains the collective suggestions of the following non-governmental organizations for the revision of the Programme of Action on the Sale of Children, Child Prostitution and Child Pornography, including the amendments and suggestions contained in document E/CN.4/1991/50 and Add.1:

GE.91-12453/3447B

International Terre des Hommes Federation

International Federation of Social Workers

World Union of Catholic Women's Organisations

La Leche League International

International Abolitionist Federation

Defence for Children International

International Catholic Child Bureau

PROGRAMME OF ACTION ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND PORNOGRAPHY

Suggested revised version*

A. DEFINITIONS

For the purpose of this Programme of Action:

A "child" is every human being below the age of 18 unless, under the law applicable to the child, majority is attained earlier.

"Sale of children" is the transfer of a child from one party (including the biological parents, guardians and institutions) to another, for whatever purpose, in exchange for financial or other reward or compensation.

"Child trafficking" covers the sale, abduction or illegal transfer of a child from one party to another for financial or other compensation in which intermediaries participate directly or indirectly.

"Sexual exploitation" is here used to mean:

"Child prostitution": the use of a child to satisfy a client's sexual desire, in exchange for payment in cash or in kind, often but not always organized by an intermediary (procurers, parents or families selling their children, teachers, etc.).

"Child pornography": the permanent visual and/or audio depiction of a child for the sexual gratification of the user.

B. GENERAL

The trafficking and sale of children, child prostitution and child pornography constitute modern forms of slavery which are incompatible with human dignity and values and jeopardize the welfare of individuals, families and society as a whole.

To prevent the trafficking and sale of children, child prostitution and child pornography, concerted measures are called for at the national and international level, including information, education, assistance and rehabilitation, legislative measures and a strengthening of law enforcement in this field. Coordinating agencies should be appointed or established at the national, regional and global level.

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* Underlined words and additions made by the NGO Sub-group on Sexual Exploitation.

At the global level, coordination of the Programme of Action should be carried out by the Centre for Human Rights in cooperation with other sections of the United Nations Secretariat, the United Nations Centre for Social Development and Humanitarian Affairs, ILO, UNESCO, UNHCR, WHO, UNICEF. Cooperation should also be established with regional bodies, the World Tourism Organisation, the International Criminal Police Organisation (Interpol) and non-governmental organizations.

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1. States are required to accord a clear high-level commitment to tackling the causes of the trafficking, sale and sexual exploitation of children.

2. The best interests of the child should govern every decision and guide all efforts undertaken in relation to this Programme of Action.

3. States should systematically discourage the exercise of all customs, traditions and cultural practices which encourage the trafficking and sale or sexual exploitation of children.

4. The exploitation of children cannot be justified by poverty or underdevelopment. Besides the long-term action required to treat the underlying causes and thus prevent these phenomena from occurring in the future, it is essential that States take urgent and immediate measures to reduce the dangers facing children.

5. In situations of emergencies, internal or international tensions or disasters, when communities and normal patterns of lire break down, children are especially vulnerable. In such circumstances, States should take all necessary measures to protect children from trafficking, sale and sexual exploitation.

6. The measures contained within this Programme of Action should be implemented in accordance with the socio-cultural factors of each country and bearing in mind the socio-economic imbalance which exists between industrialized States and the developing nations.

Information

1. International and national information campaigns are required to raise public awareness at all levels of the trafficking and sale of children, child prostitution and child pornography:

(a) To warn and inform about these abuses;

(b) To inform about prevention programmes;

(c) To publish and disseminate ways of reporting these abuses;

(d) To publish and disseminate services for victims;

(e) To make known the penalties for the perpetrators;

(f) To teach that culture and traditions which encourage these forms of child abuse are contrary to international norms for the protection of children.

2. To improve the sources of information, investigations of abuses should be undertaken by public and private institutions. The results should, wherever possible, be made public and exchanged between governmental and non-governmental organizations at the local, national and international levels. Due regard shall be paid to the need for confidentiality with regard to the identity of the victims.

3. It is imperative that information programmes are carried out on a continuous basis. Nevertheless, to provide a focus for the campaigns, States may wish to proclaim a World Day for the Abolition of Contemporary Forms of Slavery. The 2 December, the anniversary of the adoption of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, may be an appropriate date. Alternatively, an international children's day already established in a State's calendar may be used for this purpose. Suggestions to make the 1990s the decade for the elimination of all forms of slavery.

4. The media should contribute fully to these information efforts and help to break taboos, and end the silence surrounding these forms of child exploitation.

5. Religious and non-governmental groups should be encouraged to lend their full support to these efforts.

6. Law enforcement agencies should be given a significant role in these information campaigns.

Education

1. Education efforts based on the achievement of universal primary education for all, with special emphasis on girls, accelerated literacy programmes for women and girls and vocation-oriented formal and/or non-formal education curricula, are to be designed by educational planners.

2. Preventive educational programmes could usefully be integrated into primary and secondary school curricula.

3. Similar programmes should be designed for out-of-school children and particularly vulnerable groups, e.g., street children, adolescent mothers, single and abandoned mothers, etc.

4. A special focus for educational measures and training is the group of concerned professionals who work with children including teachers, social workers, health workers, members of the police, members of the judiciary, religious personnel, etc.

5. Special educational measures are required for the general public, especially men, parents, as well as for specific groups, e.g., travel agencies, tourists, the military, etc.

6. Educational efforts should be based on universally agreed ethical principles including the recognition of the integrity of the family and of every child's fundamental rights to the integrity of his/her own body and the protection of his/her identity.

7. Such educational measures should include:

(a) The rights of the child;

(b) The inculcation of values such as self-esteem;

(c) The transmission of universally agreed ethical principles;

(d) Making the child understand the dangers of trafficking and sale, child prostitution and pornography, including the health dangers such as AIDS and drug consumption;

(e) Sex education;

(f) Education in fatherhood and motherhood, including the need to create a family atmosphere of confidence and communication within which a child can expose these issues;

(g) Respect due to all children by all;

(h) Equality between men and women;

(i) The damaging effects of these forms of exploitation on the child;

(j) The incompatibility of certain cultural practices and traditions with the needs and rights of the child;

(k) Ways to prevent, identify and expose such abuses;

(l) Ways to help child victims.

8. Such educational measures should make use of innovative methods, including the use of mass media, or community-based methods such as street theatre.

9. In all educational measures to implement this Programme of Action, care should be taken to avoid both underplaying these issues and the sensationalization of them. Account should be taken at all times of the socio-cultural characteristics of each country and, where children are involved, of the age of the child.

Legal measures and law enforcement

1. Preventive legislation aimed at protecting children should be drafted, strengthened and better enforced. Police, courts and treatment and support systems should focus more on children. Legal aid should be easily available to those who claim to have been sexually violated and to parents or legal guardians in cases of trafficking and sale of children. Methods should be developed to obtain evidence from the child without further traumatizations, and witnesses should be afforded protection.

2. The trafficking, sale or sexual exploitation of children are serious crimes and must be treated as such. Efforts should be made to detect, arrest and convict consumers and procurers, and provision made for sanctions which take into account the grave nature of these offences.

3. Effective legislative and enforcement measures must also be directed against the middlemen and others who encourage and make profits from the trafficking, sale and sexual exploitation of children: agents, dealers, brothel-owners, policemen, and others involved. The proceeds from such activities shall be seized and confiscated.

4. The Convention on the Rights of the Child provides protection against the trafficking and sale of children and the sexual exploitation of children. States are encouraged to become parties to the Convention at the earliest possible date. For its implementation within States, national institutions, with representatives of public agencies and private organizations should be established to coordinate action and to protect children and their rights.

5. States are urged to become parties to the ILO conventions pertaining to the employment of children, including the need to ratify the Convention on minimum age and to effectively enforce laws which prohibit the employment of children in work which is likely to endanger the morals of children.

6. States are urged to take all feasible measures to ratify and implement rapidly the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), and to regularly submit reports to the United Nations Secretary-General on the implementation of these Conventions.

7. States are urged to take all necessary measures to ensure that persons involved in the trafficking, sale or sexual exploitation of children do not evade punishment by leaving that country in which the act was committed.

Social measures, development assistance

1. Long-range structural reforms in the social and economic field are required for prevention. In the short-term, development activities of the United Nations, especially the World Bank and the International Monetary Fund, and other international as well as national agencies, should have a substantive and positive impact on children and promote appropriate

development strategies and policies. Priority should be given to the drafting of a family policy to prevent abuse and to policies aimed at improving the social, economic and working conditions of girls and women in general, and of the poorest girls and women in particular. Local community-based projects, including collective self-help projects should also be encouraged.

2. The needs of children who have been victims of trafficking, sale or sexual exploitation should be taken into account in development plans and assistance. Special attention should be given to certain groups of at-risk children, e.g., street children, teenage single mothers, children of broken homes or those whose mothers are in prostitution. Governments and non-governmental organizations should be encouraged to initiate projects designed to protect street children from sexual abuse (e.g. mobile units to offer social and medical aid, small-scale enterprise projects for children, "safe houses", emergency centres, etc.). Efforts should be made to reunite street children in cities with their families in rural areas and in general to improve the social, economic and working conditions of parents whose children are victims of sexual exploitation or at high risk.

Rehabilitation and reintegration

1. It is advised that programmes for rehabilitation and reintegration with an interdisciplinary approach be established to assist children who have been victims of trafficking, sale or sexual exploitation and their families. Agencies implementing such programmes, whether public or non-governmental, should be established or strengthened by giving them the necessary support and funding. They should be encouraged to request technical assistance, evaluational assistance, information or new methods of self-funding schemes, etc., from public or private groups, national or international, with the relevant competence.

International coordination

1. Bilateral and multilateral cooperation among law enforcement agencies is essential. States should establish their own database, improve their reporting at all levels, exchange information and report to Interpol to allow for a special data bank on suspects involved in cross-border trafficking, sale or sexual exploitation of children. The experience gained in international police cooperation in combating drug traffic should be used to prevent the international traffic and sexual exploitation of children.

2. A special intergovernmental task force should be set up at regional level to assist governments in devising ways and means of checking the phenomenon of the trafficking, sale and sexual exploitation of children, and national-level commissions should plan new measures to tackle these problems in cooperation with concerned non-governmental organizations.

C. SALE OF CHILDREN

To compliment the general measures outlined above, the following measures specific to the trafficking and sale of children are required:

1. States should be encouraged to take effective legal and administrative measures to prevent the abduction and sale of children for whatever purpose (i.e. sexual exploitation, any form of labour, adoption, criminal activities, trafficking in organs, etc.). Laws should be adopted or strengthened which impose penalties on parents, and on all others knowingly involved in the trafficking and sale of children.

2. States should adopt effective and urgent procedures at the national level and through international cooperation to find abducted, unlawfully removed or disappeared children and to trace families and reunite such children with their families. In this regard, special attention should be given to the situation of refugee children and their need for protection from trafficking, sale and sexual exploitation.

3. Measures should be taken to ensure that international adoptions do not involve the sale of children by their parents or their illicit removal. Procedures for this purpose should be based on the 1986 United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption Nationally and Internationally, and the Convention on the Rights of the Child. Under no circumstances must adoption be allowed to involve financial gain for any of the parties involved.

4. The procedures of child birth registration, renunciation of parental rights and of consent to adoption by a parent should be strictly regulated by law and adequate counselling offered to the biological parents. Special attention should be paid to situations where the biological parents are incited to part with their children for socio-economic reasons without their full, free and informed consent.

5. Inter-country adoptions should only take place through competent, professional and authorized agencies in both the country of origin and the receiving country of the children.

6. Governmental and non-governmental bodies should cooperate at national and international level in order to promote and develop local and national alternatives to inter-country adoptions such as child care facilities, including day care and other support services for parents, care by relatives, foster family care and domestic adoptions.

D. CHILD PROSTITUTION

To compliment the measures outlined above which apply to all forms of child prostitution, independently of whether the clients are locals or foreigners, the following specific measures are required:

1. Incest and sexual abuse within the family or by the child's employers often leads to child prostitution. States should therefore take all appropriate legislative, administrative, social and educational measures to protect children against all forms of abuse while in the care of parents, family or legal guardians or any other person.

2. Special attention should be paid to the problem of sex tourism. In this regard, legislative and other measures should be taken to prevent sex tourism. Such measures should be adopted both in the countries from which the customer comes and the countries to which they go. Marketing tourism through the enticement of sex with children should be penalized on the same level as procurement.

3. The World Tourism Organisation should be encouraged to convene an expert technical meeting designed to offer practical measures to combat sex tourism.

4. States with military bases or troops whether stationed on foreign territories or not, should take all the necessary measures to prevent such military personnel from being involved in child prostitution. The same applies to other categories of persons who for professional reasons are posted abroad.

5. Legislation should be adopted to prevent new forms of technology from being used for soliciting for prostitution.

E. CHILD PORNOGRAPHY

To compliment the measures outlined above, the following specific measures are required:

1. Taking into account, as stated at the Interpol symposium in September 1988, that child pornography is the permanent visual depiction of the sexual molestation and exploitation of a child, and that there is an international market for this material, law enforcement agencies, social services and others should place a higher priority on the investigation of child pornography with particular emphasis placed on the welfare of the child.

2. States are urged to enact legislation, where they have not yet done so, making it a crime to produce, distribute or possess pornographic material involving children.

3. States should prohibit the insertion in letter-post items or parcels of the following articles involving children:

(a) Obscene or immoral articles;

(b) Articles of which the importation and circulation is prohibited in the country of destination.

4. Customs services should be required to detect and prevent the transmission of material containing child pornography.

5. Where required, new legislation and penalties should be introduced for mass media which broadcast or publish material threatening the psychic or moral integrity of children or contain unhealthy or pornographic descriptions.

6. (new para.) Special attention should be paid to new technology for producing pornography, including video films and pornographic computer games.

7. States should be encouraged to protect children from exposure to adult pornography, especially through new forms of technology, through suitable legislation and appropriate measures of control.